

**ENTERED**

November 04, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

RAQUEL MARTINEZ MENDO, §  
 Individually and as Representative of the §  
 Estate of Jose De Jesus Del Angel; ROCIO §  
 HERNANDEZ FLORES, Individually and as §  
 Representative of the Estate of Miguel Angel §  
 Silva Borjas and as Next Friend of §  
 M. A. S. H. and A. E. S. H., Minor Children; §  
 SOCORRO REYES QUIROZ, §  
 Individually and as Representative of the §  
 Estate of Ricardo Gonzalez Dominguez and §  
 as Next Friend of J. G. R., a Minor Child §  
 ORALIA FRANCISCO BARRIENTOS, §  
 Individually and as Representative of the §  
 Estate of Marco Antonio Garces Cervantes §  
 and as Next Friend of F. N. G. F. and §  
 Z. G. G. F., Minor Children, §  
 Plaintiffs, §

VS. §

CIVIL ACTION NO. B-16-062

ICA FLUOR DANIEL, S. DE R.L. DE C.V., §  
 ESEASA CONSTRUCCIONES S.A. DE §  
 C.V. d/b/a GULF SPECIAL SERVICES, §  
 INC., GULF SPECIAL SERVICES INC., §  
 d/b/a ESEASA CONSTRUCCIONES S.A. §  
 DE C.V., EMPRESAS ICA, S.A.B. DE C.V., §  
 FLUOR CORP., and MANITOWOC §  
 CRANES, LLC, §  
 Defendants. §

**ORDER**

For the reasons set forth in the Court's Memorandum Opinion and Order conditionally  
 granting Defendants Fluor Corporation, ESEASA CONSTRUCCIONES, S.A. de C.V.,  
 Manitowoc Cranes, LLC, ICA Fluor Daniel, S. de R.L. de C.V., Gulf Special Services, Inc., and  
 Empresas ICA, S.A.B. de C.V.'s Motion to Dismiss for *Forum Non Conveniens* [Doc. No. 47]

and in light of the stipulations filed by Defendants on August 30, 2016, the Court GRANTS Defendants' Motion to Dismiss for *Forum Non Conveniens* and Orders as follows:

Provided that Plaintiffs file suit in Mexico in connection with the claims they have asserted in this action within the longer of (1) any applicable statute of limitation period that has not already expired or (2) 180 days of the date of this Order (or, in the event that Plaintiffs timely appeal this Order, within 180 days of final disposition of that appeal), Defendants shall comply with the conditions set forth below with respect to such suit filed in Mexico by Plaintiffs:


1. Defendants shall submit to the jurisdiction of the Mexican court in which Plaintiffs file suit;
2. Defendants shall waive any jurisdictional and statute of limitations defenses that could be posed in the Mexican court;
3. Defendants shall make available in Mexico all relevant documents and witnesses within their control;
4. Defendants shall bear any translation-related expenses concerning the testimony of their English-speaking witnesses at trial;
5. Defendants shall agree to satisfy any Mexican judgment, subject only to any appellate rights they may enjoy in that forum; and
6. Defendants shall agree to the reassertion of jurisdiction by Plaintiffs in this Court in the event that they fail to comply with their stipulations or fail to satisfy any final judgment.

If Plaintiffs file suit in Mexico within the time set forth in this Order and Defendants fail to comply with the above conditions, the Court will entertain a motion by Plaintiffs to revive the case in this Court. If Plaintiffs fail to file suit in Mexico within the time set forth in this Order, Defendants shall be relieved of any obligation to comply with the above conditions or any

related stipulations they have entered into in connection with their Motion to Dismiss for *Forum Non Conveniens*, including the stipulations filed on August 30, 2016.

The Court denies all other motions [Doc. Nos. 11, 13, 14, 16, 27 & 34] as moot.

Signed this 4<sup>th</sup> day of October, 2016.



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Andrew S. Hanen  
United States District Judge